

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Richmond Division

ePLUS INC.,)	
)	
)	Civil Action No. 3:09cv620 (REP)
Plaintiff,)	
)	
v.)	
)	
LAWSON SOFTWARE, INC.,)	
)	
)	
Defendant.)	

DEFENDANT LAWSON SOFTWARE, INC.'S
MOTION FOR SUMMARY JUDGMENT

Defendant Lawson Software, Inc. ("Lawson"), by counsel, hereby moves, pursuant to Fed. R. Civ. P. 56 for summary judgment that (1) all damages are barred for any alleged infringing activity up until filing of the Complaint in May, 2009 because of Plaintiff ePlus Inc.'s failure to comply with the marking requirements of 35 U.S.C. §287(a); (2) Lawson is not liable for induced or contributory infringement prior to the filing of the Complaint because Lawson did not have actual knowledge of the patents-in-suit; (3) the means-plus-function claims of the patents-in-suit are invalid under 35 U.S.C. §112 ¶2 and ¶6 as indefinite; (4) the asserted claims 1, 2, 6, 9, and 29 of the '516 patent are invalid for failing to meet the written description requirement of 35 U.S.C. §112, ¶ 1; and (5) the asserted claims are invalid under 35 U.S.C. § 103 based on the combination of the prior art Fisher RIMS system and the IBM TV/2 system. The grounds for this motion are more fully set forth in Lawson's Memorandum in Support of its Motion and supporting exhibits, which is filed herewith.

CERTIFICATE OF SERVICE

I certify that on this 11th day of June, 2010, a true copy of the foregoing will be filed electronically with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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